

# **SPECIAL NEEDS SCHOLARSHIP – PRIVATE SCHOOL APPLICATION (2009-10) INSTRUCTIONS**

## **Application Submission and Deadline**

Special Needs Scholarship – Private School Applications for 2009-2010 must be received at the Utah State Office of Education, 250 East 500 South, PO BOX 144200, Salt Lake City, Utah 84114-4200 no later than 5:00 p.m. on Friday, May 1, 2009. Applications may be mailed or hand-delivered. Applicants who choose to mail application materials are solely responsible for assuring the receipt of these materials at the Utah State Office of Education prior to the deadline. Postmarking of materials prior to the deadline does not qualify an application received after the deadline. If applications are mailed, they must be addressed as follows:

Utah State Office of Education  
Attention: Travis Rawlings  
PO Box 144200  
Salt Lake City, UT 84114-4200

Schools may submit preliminary applications and materials for review at any time. A preliminary submission is not required, but may be useful to schools in assuring that the final application submission is complete and accompanied by all required supporting materials. The Utah State Office of Education will provide feedback on the preliminary application to assist schools. The May 1, 2008 submission by the school of its application for eligibility to enroll scholarship students is the school's final application opportunity.

All applications from schools for eligibility to enroll scholarship students for the 2009-2010 school year will be reviewed as they are received. Schools will be notified of eligibility or non-eligibility by the Utah State Office of Education within 30 days of receiving the application. A list of eligible schools will be maintained at <http://www.schools.utah.gov/admin/specialneeds.htm>. A final list of eligible schools for the 2009-2010 school year will be made available to the public no later than May 30, 2008.

## **Background Information**

Prior to completing the School Application, it is strongly suggested that applicant schools carefully review the following materials:

- *Special Needs Scholarship – Program Overview*
- Utah Code Sec. 53A-1a-701 through 53A-1a-710: Carson Smith Scholarships for Students with Special Needs
- Utah Code Sec. 53A-3-410: Criminal Background Checks on School Personnel
- Utah State Board of Education Administrative Rule R277-602: Special Needs Scholarship – Funding and Procedures
- Utah Health Department Administrative Rule R392-200: Design, Construction, Operation, Sanitation, and Safety of Schools

A review of these materials prior to completing the School Application will increase understanding of the requirements and the likelihood of submission of a complete and successful application. Any school that has questions or is in need of assistance in completing the application may contact Travis Rawlings at the Utah State Office of Education by telephone at 801.538.7601, or by e-mail at [travis.rawlings@schools.utah.gov](mailto:travis.rawlings@schools.utah.gov).

## **School Application – Part A. General Information**

The information in Part A will be used (1) to communicate with the school about the status of the school's application; and (2) for the published eligible school directory, if the school becomes eligible to enroll scholarship students. Make certain that the information provided in Part A is precisely as the school wishes it to appear in the published directory of approved schools and in any other materials, if the school becomes eligible.

## School Application – Part B. Eligibility to Enroll Special Needs Scholarship Students

This section provides assurances that the applicant school meets, or will meet prior to enrolling students, the requirements for eligibility set forth in the Utah Code and Utah State Board of Education Administrative Rules. All initials or signatures in this section shall be from the chief administrative officer of the school. Each item must be initialed. Some items require no more than the initial (items 1, 3, 9, 15); some items require that a participating school maintain records for Utah State Office of Education review to document compliance with program rules and requirements during the course of the school's participation in the program (items 5, 6, 7, 8, 10, 11, 12, 13, 14); and some items (items 2, 4) require submission of supporting materials with this application to document program eligibility. Applicants should review the instructions for each item carefully to assure that supporting materials are included where required.

1. The school has a physical location in Utah where scholarship students attend classes and have direct contact with the school's teachers (Utah Code Sec. 53A-1a-705(1)(a)). No documentation is required in the application relative to this provision. Correspondence schools, online schools, or other programs that do not have a physical presence/location where students attend classes within the geographic boundaries of Utah are not eligible. Programs that do not include regular student attendance of classes and direct contact with the school's teachers are not eligible.
2. The school has obtained an audit and report from a licensed independent certified public accountant, or has contracted with a licensed independent certified public accountant, to perform an agreed-upon procedure as described in statute (Utah Code Section 53A-1a-705(1)(b) and Utah State Board of Education Administrative Rule R277-602-1.D and R277-602-1.K). An applicant school may choose between an audit or the agreed upon procedure.

If the school chooses to submit an audit and report, the audit and report must be obtained from a licensed independent certified public accountant. The audit must have been performed in accordance with generally accepted auditing standards, the financial statements must have been presented in accordance with generally accepted accounting standards, and the audited financial statement must be for a period within the last twelve months.

If the school chooses to submit a report of the agreed-upon procedure, the school must contract with a licensed independent certified public accountant to perform the agreed-upon procedure. The agreed upon procedure is to determine that "the school has **adequate working capital** to maintain operations for the first full year". The law states that working capital shall be calculated by subtracting current liabilities from current assets. The law does not define what amount is "adequate". To fulfill this requirement the report of the agreed-upon procedure must state whether or not the school has adequate working capital to maintain operations for the first full year. If the report does not include that statement, then it is inadequate.

The audit report or the report of the agreed-upon procedure must be submitted with this application. A school cannot be eligible to enroll scholarship students if the audit report contains a going concern explanatory paragraph, or if the report of the agreed-upon procedure shows that the private school does not have adequate working capital to maintain operations for the first full year. Documentation that the audit report or report of the agreed-upon procedure is in process, but unavailable by the May 1<sup>st</sup> deadline, is acceptable. However, in order for the school to be eligible, the audit report or report of the agreed-upon procedure must be submitted prior to the publishing of the eligible schools list, on May 31.

3. The school agrees to comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d. No documentation is required in the application relative to this provision. This requirement pertains to a federal prohibition against exclusion from participation in, denial of benefits, and discrimination under federally assisted programs on ground of race, color, or national origin. Specifically, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Schools may wish to review this requirement with legal counsel to understand the scope of this requirement.
4. The school meets state and local health and safety laws and codes, including compliance with R392-200: *Design, Construction, Operation, Sanitation, and Safety of Schools*, and has adopted emergency preparedness response plans that include training for school personnel and parent notification for fire drills, natural

disasters, and school safety emergencies (Utah Code Sec. 53A-1a-705(1)(d), Utah State Board of Education Administrative Rule R277-602-6.G, and Utah Department of Health Administrative Rule 392-200). The Utah Department of Health has established rules for the design, construction, operation, sanitation, and safety of schools. These rules apply to all schools, public and private. Inspections of schools are required every six months under this rule. A copy of the school's most recent inspection report must accompany this application. Schools should contact their local city or county health department to discuss compliance with this provision.

Eligible schools are required to adopt emergency preparedness response plans. It is not required that these plans be submitted with the application. However, the Utah State Office of Education may request copies of plans or review plans and records of implementation at its discretion to assure compliance with program requirements. Schools are encouraged to contact local city and county emergency planning officials as needed for assistance in the development and implementation of emergency preparedness response plans. Schools may also wish to review Utah State Board of Education Administrative Rule R277-400. While this rule is not binding on private schools, schools may nonetheless find it to be useful guidance.

5. The school will disclose to the parent of each prospective student, before the student is enrolled, the special education services that will be provided to the student, including the cost of those services (Utah Code Sec. 53A-1a-705(1)(d)). No documentation is required in the application relative to this provision. However, schools should be prepared to document compliance with this requirement and may expect that the Utah State Office of Education will review this documentation periodically during the course of a school's participation in the Special Needs Scholarship program. This disclosure must be in written form and signed by both the school and the student's parent/guardian. Example forms will be provided at the new school training during the summer months. The school's forms must be submitted and approved for use before the first scholarship payment.
6. The school will administer an annual assessment of each scholarship student's academic progress, will report the results of the assessment to the student's parents, and will make the results available to the assessment team evaluating the student as required to determine scholarship eligibility and level of service (Utah Code Sec. 53A-1a-705(1)(f) and Utah State Board of Education Administrative Rule R277-602-1.B). No documentation is required in the application relative to this provision. However, schools should be prepared to document compliance with this requirement, including documentation of reporting to parents, and may expect that the Utah State Office of Education will review this documentation periodically during the course of a school's participation in the Special Needs Scholarship program. Additionally, the school is required to disclose to the parents, prior to admission, what assessment is used, what it measures, when the test will be administered, and when the results will be available. This disclosure must be in written form and signed by both the school and the student's parent/guardian. Example forms will be provided at the new school training during the summer months. The school's forms must be submitted and approved for use before the first scholarship payment.
7. The school employs or contracts with teachers who hold baccalaureate or higher degrees; or who have at least three years of teaching experience in public or private schools; or have the necessary special skills, knowledge, or expertise that qualifies them to provide instruction in the subjects taught and to the special needs students taught (Utah Code Sec. 53a-1A-705(1)(g)). No documentation is required in the application relative to this provision. However, schools should be prepared to document compliance with this requirement, including personnel files that provide documentation that teachers are qualified as required. Schools may expect that the Utah State Office of Education will review this documentation periodically during the course of a school's participation in the Special Needs Scholarship program.
8. The school agrees to provide parents of scholarship students the relevant credentials of the teachers who will be teaching their students (Utah Code Sec. 53A-1a-705(1)(h)). No documentation is required in the application relative to this provision. However, schools should be prepared to document that parents have been provided with the credentials of teachers who will be teaching their children. Schools may expect that the Utah State Office of Education will review the school's documentation of compliance during the course of its participation in the Special Needs Scholarship program. This disclosure must be in written form and signed by both the school and the student's parent/guardian. Example forms will be provided at the new school training during the summer months. The school's forms must be submitted and approved for use before the first scholarship payment.

9. The school is not a home school or residential treatment facility licensed by the state (Utah Code Sec. 53A-1a-705(2) and 53A-1a-705(3)). No documentation is required in the application relative to this provision.
10. The school will satisfy criminal background check requirements for employees and volunteers consistent with Utah Code Sec. 53A-3-410 (Utah Code Sec. 53A-3-410). No documentation is required in the application relative to this provision. However, schools should be prepared to document compliance with this requirement, including supporting materials in personnel and other files that include evidence of background checks for employees and volunteers consistent with the law. Schools may expect that the Utah State Office of Education will review this documentation periodically during the course of a school's participation in the Special Needs Scholarship program.
11. The school will initiate, participate in, and document assessment team meetings (Utah Code Sec. 53A-1a-704(3) and 53A-1a-704(6) and Utah State Board of Education Administrative Rule R277-602-D). No documentation is required in the application relative to this provision. However, schools should be aware that the assessment team process is a central part of determination of student scholarship eligibility, and should very carefully review the program overview, Utah State Board of Education Administrative Rules, and Utah Code relative to assessment teams. Schools should be prepared to document compliance with this requirement. Schools participating in the Special Needs Scholarship program may anticipate periodic reviews by the Utah State Office of Education of the school's records of assessment team meetings and assessment team decisions. Further, schools should be prepared to document their procedures for assuring the maintenance of confidentiality regarding these records. Schools may wish to contact the Special Education Department in the public school district in which the participating school is geographically located to discuss the assessment team process and responsibilities in the Special Needs Scholarship program.
12. The school will provide complete student records, in a timely manner, to other private or public schools requesting student records if parents have transferred students under Utah Code Sec. 53A-1a-704(7). No documentation is required in the application relative to this provision.
13. The school will notify the Utah State Office of Education within five days if a scholarship student does not continue in enrollment in the school for any reason, including parent/student choice, suspension or expulsion of the student, or if the student misses more than ten consecutive days of school (Utah State Board of Education Administrative Rule R277-602-6.F). No documentation is required in the application relative to this provision. However, schools should maintain daily attendance records for students receiving the Special Needs Scholarship and other records of student enrollment that will assure compliance with this requirement, and may expect that the Utah State Office of Education will review these records periodically during the course of a school's participation in the Special Needs Scholarship program.
14. The school will cooperate fully with the Utah State Office of Education in providing necessary student enrollment, tuition, and attendance information needed to complete scholarship payment procedures and to assure compliance by the school and its enrolled scholarship students with the Special Needs Scholarship rules and requirements (Utah Code Sec. 53A-1A-708, 53A-1a-709, and Utah State Board of Education Administrative Rule R277-602-6). Neither the Utah State Office of Education nor any other state agency is authorized to regulate private schools except as expressly set forth in the statute authorizing the Special Needs Scholarship program. Nonetheless, the Utah State Office of Education is authorized to verify compliance with the various requirements of the program, and it is anticipated that schools participating in the Special Needs Scholarship program will make available records and documents as needed in this process. The Utah State Office of Education will NOT review the curriculum, instructional practices, governance policies and procedures, philosophical basis, or other elements of a participating school's program not specifically related to the express requirements of the Special Needs Scholarship program. No documentation is required in the application relative to this provision.
15. The school will provide all required supporting materials to this application as listed below.
  - Tuition and Fee Schedule. The scholarship amount is established as a multiple of the weighted pupil unit (the basic unit of funding for Utah public education). The amount of the award to the student is the lesser of tuition and fees or the established scholarship amount. Your tuition and fee schedule is needed to determine the special needs scholarship award amount to eligible students.

- A copy of the most recent Public Health Inspection Report. Attach this report to verify that your school meets the requirements in Part B, Item 4.
- A copy of the most recent State Fire Marshall Inspection Report. Attach this report to further verify that your school meets the requirements of Part B, Item 4.
- If the school stores, prepares, or serves meals to students, a copy of a current and satisfactory Safety and Sanitation Report from the Department of Health. Attach this report to further verify that your school meets the requirements of Part B, Item 4.

#### **School Application – Part C. Status as a School That Has Previously Served Students With Disabilities**

A School enrolling Special Needs Scholarship program students may be designated as a school that has previously served students with disabilities. If a student is enrolled in a school that has previously served students with disabilities, certain scholarship eligibility requirements do not apply (See Program Description and Utah Code Sec. 53A-1a-704 (3)).

The requirements for designation as a school that has previously served students with disabilities are set forth in Utah State Board of Education Administrative Rule R277-602-1.M. The signature in this part shall be from the applicant school's chief administrative officer. A school must meet one of the following requirements:

1. The school must have enrolled special needs students within the last three years who received scholarships under the special needs scholarship program; or
2. The school must have enrolled special needs students within the last three years who have received special education services under Individual Service Plans (ISP) from the school district where the school is geographically located; or
3. The school must provide other evidence that is determinative of having enrolled students with disabilities within the last three years.

#### **Application Supporting Materials**

The supporting materials required for a complete application should be clearly labeled and attached to the application in the order noted in Part B, item 15. Please make certain photocopied materials are clear.